

ORDINANCE NO. 16291

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO CITY CODE BY AMENDING CHAPTER 19.12 (PARKLAND DEDICATION) BY AMENDING SUBSECTION 19.12.030A. (PARKLAND CALCULATION) IN ORDER TO INCREASE THE AMOUNT OF PARKLAND REQUIRED TO BE DEEDED TO THE CITY; AMENDING SUBSECTION 19.12.050 A. (STANDARDS FOR DEEDED PARKLAND) TO REQUIRE THAT PARKLAND DEDICATED TO THE CITY BE LOCATED IN ACCESSIBLE LOCATIONS WITHIN NEW DEVELOPMENT AND CLARIFYING THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION REGARDING THE LOCATION AND ACCEPTANCE OF PARKLAND; AND AMENDING SUBSECTIONS 19.12.100A. AND B. (FEE IN LIEU OF PARKLAND DEDICATION) IN ORDER TO INCREASE THE PARK FEE TO BE PAID TO THE CITY IN LIEU OF PARKLAND DEDICATION. THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Subdivision Ordinance helps guide the physical development of the community by promoting orderly and healthful design, and particularly by providing adequate public facilities; and,

WHEREAS, the City has hired an outside consultant which has determined that the current Code requirements for the amount of parkland required to be dedicated as part of new development are not in direct proportionality to the development and rapid population growth in the City, and new development necessitates that additional parkland be dedicated to service the needs of residents of such development; and,

WHEREAS, the City desires to amend the Code to reflect the actual needs for parkland and open space of the City as directly caused by new development in the City; and that such parks be located in a manner that provides for walkable communities which promotes the health of El Paso's citizens; and,

WHEREAS, the Code provides that fees may be paid in certain circumstances in lieu of parkland being dedicated to the City; and the consultant has reviewed current land prices and development costs and has determined that the current fee structure does not address the park needs necessary and attributable to new development; and,

WHEREAS, the Development Coordinating Committee (DCC) and the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendment as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the adoption of these amendments will further protect and provide for the public health, safety, morals and general welfare of the community, and will carry out the purpose and spirit of the policies expressed in *The Plan for El Paso*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsection 19.12.030A. (Parkland calculation) in its entirety with the following language as follows:

A. Rate.

Where a residential subdivision application is filed, the amount of parkland required to be deeded to the city shall be as follows:

1. Single-Family and Two-Family. One acre of parkland for every one hundred (100) dwelling units calculated as follows:

$$x = y/100$$

x is the density (dwelling units per acre) of the subdivision; and,
y is the amount of acres of parkland required to be deeded.

2. Multi-family. One acre of parkland for every two hundred (200) dwelling units calculated as follows:

$$x = y/200$$

x is the density (dwelling units per acre) of the subdivision; and,
y is the amount of acres of parkland required to be deeded.

Section 2. That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsection 19.12.050 A. (Standards for deeded parkland) in its entirety with the following language:

A. General Characteristics. Parkland deeded to the city as provided in this chapter shall meet the standards set forth below:

1. The size of the parkland shall be as determined by the density of the residential subdivision submitted pursuant to Section 19.12.030. The minimum parkland size to be dedicated to the City shall be one acre, except as provided herein. Where one acre or more of parkland is required to be dedicated pursuant to this Chapter, such dedication shall be accepted and no exceptions or modifications may be requested or approved by the Director of the Department of Parks & Recreation or the City Plan Commission. Where the calculation of the density of the residential subdivision results in less than one acre of parkland to be dedicated to the City, the City may negotiate to purchase and accept from the subdivider a park improved by the subdivider of one acre or more; or the subdivider may dedicate and improve a park of one acre or more and receive credits as provided in this Chapter. The City Plan Commission may approve a dedication of a park site of less than one acre only if the following conditions are met:
 - a. The residential subdivision application is submitted as an infill development; or the subdivider dedicates and improves alternate open space amenities to be used by the public, including but not limited to, walking and bicycle trails. The amount to be dedicated shall be calculated based on the density of the residential subdivision submitted pursuant to Section 19.12.030; and,
 - b. The subdivider demonstrates a derived public benefit based on usability and feasibility of the smaller park site or other amenity to be dedicated, and
 - c. The director of the department of parks and recreation makes an affirmative recommendation on the smaller park site or other amenity.
2. A minimum of one hundred feet of frontage contiguous with a public accessway, except where approved by the director of the parks and recreation department;
3. The location of the park site shall be based on an affirmative recommendation of the director of the department of parks and recreation, and should be located adjacent to school sites or ponding areas where possible to facilitate shared facilities;
4. When parkland is deeded to the city as required by this title, the area of the park shall be calculated on the property line except that where the park abuts a public accessway, the area shall be calculated to the back of the curblin of the public accessway;
5. Facilities and improvements provided by a subdivider to parkland shall be designed and installed to meet the minimum standards of the parks and recreation department as established in the Parks Facilities Standards, a copy of which is maintained by the director of the department of parks and recreation;
6. Where possible, parkland shall be designed and located within a subdivision within one half mile of every residence within the subdivision; and further allows for an extension or connection to a public park or other public recreational facility within an abutting subdivision.

Section 3. That Title 19 (Subdivisions), Chapter 19.12 (Parkland Dedication) of the El Paso City Code shall be and hereby is amended by replacing Subsections 19.12.100A. and B. (Parkland calculation) in its entirety with the following language:

A. When Applicable.

1. Residential Subdivisions. In no instance shall the City accept a cash payment when one acre or more of parkland shall be dedicated to the City, except as provided herein. The city may accept a cash payment in lieu of parkland dedication under the following circumstances:
 - a. When an area of parkland less than one acre is required to be dedicated;
 - b. In instances where the parkland to be dedicated does not meet the standards set forth in this chapter;

c. When the city accepts a combination of the following: parkland dedication, cash payment in lieu of land dedication, or bonus reductions received pursuant to Section 19.12.090.

2. Nonresidential Subdivisions. The subdivider shall be required to pay fees in lieu of the dedication of parkland dedication for all nonresidential subdivisions applications. However, if the city approves an exception under Section 19.12.020(B) of this chapter, the city may accept a dedication of land as a conservancy park in lieu of, or in addition to, the payment of park fees, depending on the valuation of the land to be dedicated.

B. Fee Calculation. Where the city requires or accepts payment of cash in lieu of the dedication of parkland, such payment shall be equivalent to the following:

1. Residential Subdivisions.

a. Single-family and two-family: One thousand six hundred thirty-five dollars (\$1,635.00) per dwelling unit;

b. Multi-family: Eight hundred fifteen dollars (\$815.00) per dwelling unit.

2. Nonresidential Subdivisions. One thousand dollars (\$1,000.00) per gross acre multiplied by the number of acres rounded to two decimal places, with a minimum of three hundred thirty-three dollars (\$333.00) for a subdivision of less than one-third acre.

Section 4. This ordinance shall be effective upon passage by the El Paso City Council and apply to all applications submitted after its passage, except as may be provided for by Chapter 245 of the Texas Local Government Code or separate agreement.

Section 5. Except as herein amended, Title 19 (Subdivisions) of the El Paso City Code shall remain in full force and effect.


PASSED AND APPROVED this 28th day of February, 2006.

THE CITY OF EL PASO



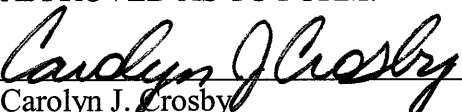
John F. Cook
Mayor

ATTEST:



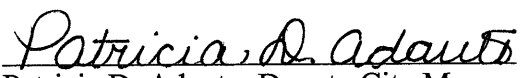
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Adaute, Deputy City Manager
Development & Infrastructure Services